

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LYNN N. EALY,

Defendant.

Case No. 1:05-CR-58

Hon. Richard Alan Enslen

ORDER

Defendant Lynn N. Ealy, a criminal defendant on supervised release who has previously exhausted his rights on appeal and under 28 U.S.C. § 2255, previously moved for an evidentiary hearing. Upon denial of that Motion, he now moves for reconsideration. *See* W.D. Mich. L. Cr. R. 74.3.

Pursuant to Western District of Michigan Local Criminal Rule 74.34(a), reconsideration is appropriate only when the movant “demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof.” Defendant’s Motion fails to meet this standard and also the standards for relief under Federal Rule of Civil Procedure 60. Defendant’s Motion simply urges tax protester arguments of a kind which have been repeatedly rejected by this Court and the Sixth Circuit Court of Appeals as frivolous.

THEREFORE, IT IS HEREBY ORDERED that Defendant Lynn N. Ealy’s Motion for Reconsideration (Dkt. No. 122) is **DENIED**.

DATED in Kalamazoo, MI:
February 29, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE